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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,937	12/03/2003	Tomoya Takahashi	17296	5378
23389	7590	05/02/2006		EXAMINER
SCULLY SCOTT MURPHY & PRESSER, PC				LEUBECKER, JOHN P
400 GARDEN CITY PLAZA				
SUITE 300			ART UNIT	PAPER NUMBER
GARDEN CITY, NY 11530				3739

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/726,937	TAKAHASHI, TOMOYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	John P. Leubecker	3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 February 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 and 12-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/3/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Election/Restrictions***

1. Applicant's election of Group I, claims 1-6 and 12-22 in the reply filed on February 14, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 7-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ams et al. (U.S. Pat. 4,866,526).

Ams et al. disclose an endoscope (1), light source (15) and rotating filter wheel (18) for producing red, blue and green light for imaging. Ams et al. teach the use of circuitry (note Fig.1) which regulates lamp current pulses of the light source for individual color components (col.2, lines 15-52). A diaphragm is adjusted to control an amount of light which is emitted from the light source (col.3, lines 60-68) which meets the limitations of the second light adjusting step.

Ams et al. suggests adjustment of the white balance by selecting pulse amplitudes for each individual color component (col.5, lines 15)<sup>1</sup>. The first adjusting step would be inherently met by observing the monitor image, which is a composite of the red, green and blue video signals, during the white balance adjustment, and determining (comparing the video signals with one another) the proper pulse amplitudes to display a proper image. Any selection of the pulse amplitude (lamp current) or the desired value of the diaphragm control (light limiting level) will be stored as a function of setting the variable input circuitry required for such inputs (e.g., adjuster 26). Thus, the storing step would be met. As to claim 4, note col.5, lines 37-38. As to claim 5, setting (storing) the variable input values will inherently allow them to be read and used by the system.

#### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 6 and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ams et al. in view of Nakamura et al. (U.S. Pat. 5,187,572).

The white balance adjustment of Ams et al. appears to be done by hand (i.e., the comparison is done by a person observing the images) and thus fails to disclose an automatic

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<sup>1</sup> It is the Examiner's position that the word "while" in line 12 of column 5 is erroneous and was intended to be "white" since it appears to be referring to imaging a white object for white balance adjustment.

adjustment done by circuitry. However, white balance circuitry for comparing level (e.g., peak) differences between the red, blue and green signals (difference ratios forming a first condition) and storing adjustment values (so that the difference ratios meet a second condition) is old and well known in the art. Nakamura et al. is just one example of such circuitry (although mentioned throughout the disclosure, note particularly col.17, lines 28-64). It would have been obvious to one of ordinary skill in the art to have at the time of the invention to have provided circuitry for automatically adjusting the white balance so as to eliminate human subjectivity (which could provide different result between people) and to increase the accuracy and consistency in the white balance adjustment. As pointed out by Nakamura et al., such determined values can be stored in a memory (e.g. 123) for later use by the system.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ozawa et al. (U.S. Pat. 6,080,104)

Iida et al. (U.S. Pat. 6,980,227)

Saito et al. (U.S. Pat. 5,589,879)

Ozwaw et al. (US 2002/0196335)

Tsukaya (U.S. Pat. 4,509,508)

Hamamura (U.S. Pat. 6,700,619)

Ueno et al. (U.S. Pat. 2004/0215060)

Fujimori et al. (U.S. Pat. 4,713,683)

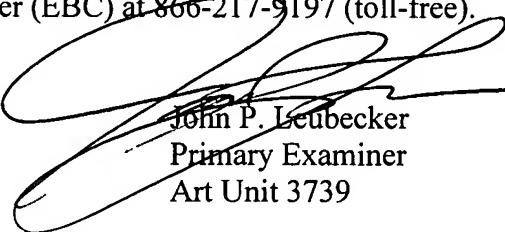
Takahashi (U.S. Pat. 6,822,677)

Kikuchi et al. (U.S. Pat. 5,408,263)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (571) 272-4769. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P. Leubecker  
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jpl